

# Domestic Violence



A Framework for Understanding & Decision Making



# Agenda



**Identify Domestic Abuse**

**Understand Nature and Context**

**Determine the Implications of Abuse**

**Account for Abuse in Actions**





# Gathering Information

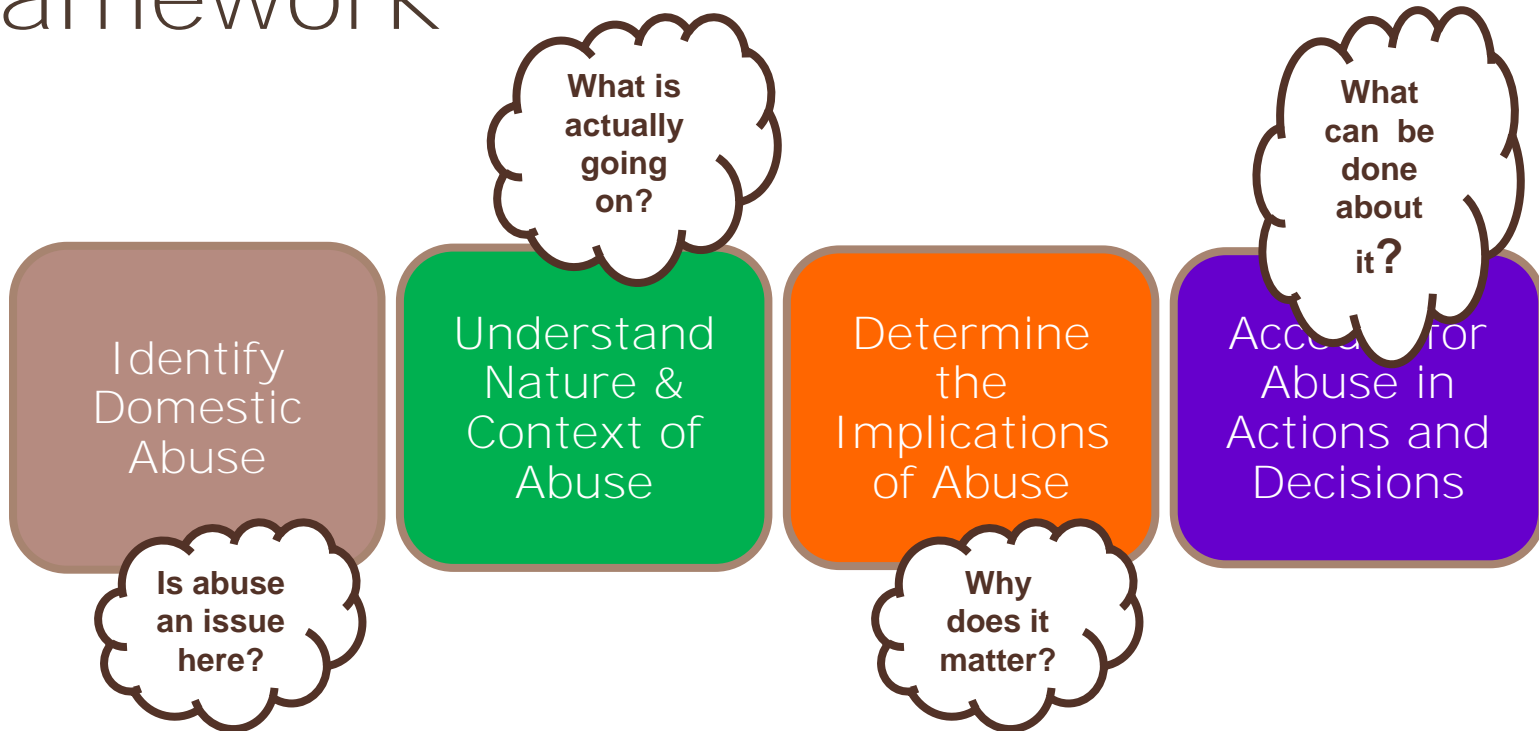
## Gathering information: Attorneys

- Victim interview – for interview guide:
- <http://www.bwjp.org/our-work/projects/national-child-custody-project.html>
- [Practice Guides for Family Court Decision-Making in Domestic Abuse-Related Child Custody Matters](#)





# Framework





# Framework

**Identify  
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# What is Domestic Violence (DV)?



- Criminal and Civil Definitions
  - Based on actual or threat of physical harm
  - Incident based – “snapshot view”
- §61-2-28 Domestic Violence Criminal Acts
- §48-27-204 Defines “family or household member” (for criminal & civil proceedings)

# What is Domestic Violence (DV)?



- Behavioral Definition
  - Centered around physical & non-physical tactics of power & control
  - Based on a pattern of behaviors occurring over time
    - “video view”
- What is your understanding?



# Strategies for Safe & Informed Disclosures

- Explain your role & function in the case.
- Explain why you are asking about domestic abuse.
- Explain how you will use the information.
- Explain whether & how information will be shared.
- Explain whether disclosure will be part of the record.
- Explain the scope and/or limits of confidentiality.
- Explain your duty to report.





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# Understand the Nature and Extent of the DV

## Understanding Context

### **Coercive Controlling Abuse**

- **Patterned**
- **Intimidation**
- **Dominance**
- **Entitlement**

### **Violent Resistance**

- **Produced and shaped by coercive controlling abuse**

### **Non-Coercive Controlling Abuse**

- **Unrelated to coercive controlling abuse**



# Coercive Control



# Violent Resistance



## Most Victims Resist

- Placate
- Manipulate
- Use Violence

## Violence Can Be:

- Legal
- Illegal



# Abuse unrelated to coercive control

No power & control tactics

Not used in response to coercive control

Violence may be atypical

# Understand the Nature and Extent of the DV

**INTENT**

**MEANING**

**EFFECT**

*Who is doing what to whom and with what impact?*





# Intimate Partner Homicides

- 1,500 DV fatalities a year in U.S.
- Police had previously been on scene in 50% of DV homicides
- Only 4% of DV homicide victims had ever availed themselves of DV services
- Re-assault dropped by 60% when victims went into shelter





## Intimate Partner Homicides – WV

Oct 2014 – Sept 2015

- 38 Deaths:
- 30 Adult victims of DV Homicide
- 3 DV related deaths by legal intervention
- 5 DV related perpetrator suicides

Oct 2015-Sept 2016

- 25 Deaths
- 18 Adult victims of DV Homicide
- 4 DV related deaths by legal intervention
- 3 DV related perpetrator suicides







- The escalation of DV to a lethal level follows an identifiable pattern with identifiable indicators.

*Campbell, J., Webster, D., Kozel-McClain, J., Block, C., Campbell D., Curry, M., et.al. (2003) Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study. American Journal of Public Health 93(7)1069-1097*





- “...there are approximately **NINE** near-lethal incidents for every intimate partner homicide (IPH).”

*Campbell, J., Glass, N., Sharps, P., Langhon, K., & Bloom, T., (2007), Intimate Partner Homicide: Review and Implications of Research and Policy. Trauma, Violence and Abuse 8(3), 246-269*





# Highly Dangerous/Potential Lethality

- Possession, access and use of weapons
- Direct threats to kill
- Victim perceives that offender might kill her/him
- Stalking behavior
- Strangulation
- Intrusive coercive control
- Forced sex
- Victim has left or is attempting to leave the relationship
- Offender is unemployed
- Victim has a child that **is not the offender's** biological child
- Violence is escalating
- Substance abuse may exacerbate



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## More Research

- **Evaluators' beliefs are more closely associated with their parenting recommendations than the actual nature, context and severity of abuse they observe.**
  - **Daniel G. Saunders, et al., Custody Evaluators' Beliefs About Domestic Abuse in Relation to Custody Outcomes, National Institute of Justice (2011).**
  - <https://www.ncjrs.gov/pdffiles1/nij/grants/238891.pdf>



## Yet Another Study:

- **Mothers' demeanor is more closely associated with evaluators' recommendations than the severity (mild v. severe), type (conflict v. coercive control), or documentation of violence.**
  - Jennifer Hardesty, et al., **The Effect of Domestic Violence Allegations on Custody Evaluators' Recommendations (2011)**
  - University of Illinois at Urbana Champaign



## And Another Study:

- **Evaluators' knowledge about domestic violence** (awareness of risk factors and application of a power and control model) is more predictive of their parenting recommendations than: (1) the severity of abuse, or (2) the thoroughness of their investigations.
  - Michael S. Davis, et al., Custody Evaluations When There are Allegations of Domestic Violence (2011).
  - <http://www.ncjrs.gov/pdffiles1/nij/grants/234465.pdf>



# Standards for Decision-Making: The Nature of the Issue

- Nature of the Issue
  - Capacity to Co-Parent
    - Safe parental involvement
    - Secure parent-child relationships
    - Low parental conflict
    - Effective parental communication
    - Clear boundaries between partner & parental roles
  - Access to the Child
    - Safety for the child and victim-parent
    - Mastery of basic parenting skills
    - Competent parental decision-making
    - Age and developmentally appropriate engagement





# Parenting in Context: The Six Charts



Parenting by Abusers



Child's Experience of Abuse



Child's Reactions to Abuse



Impact of Abuse on Child

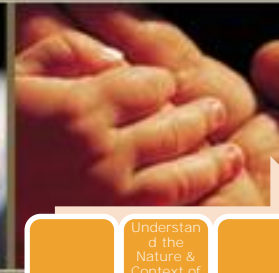


Parenting by Victims

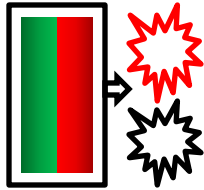


Implications for Co-Parenting

# How Are Kids Drawn In?

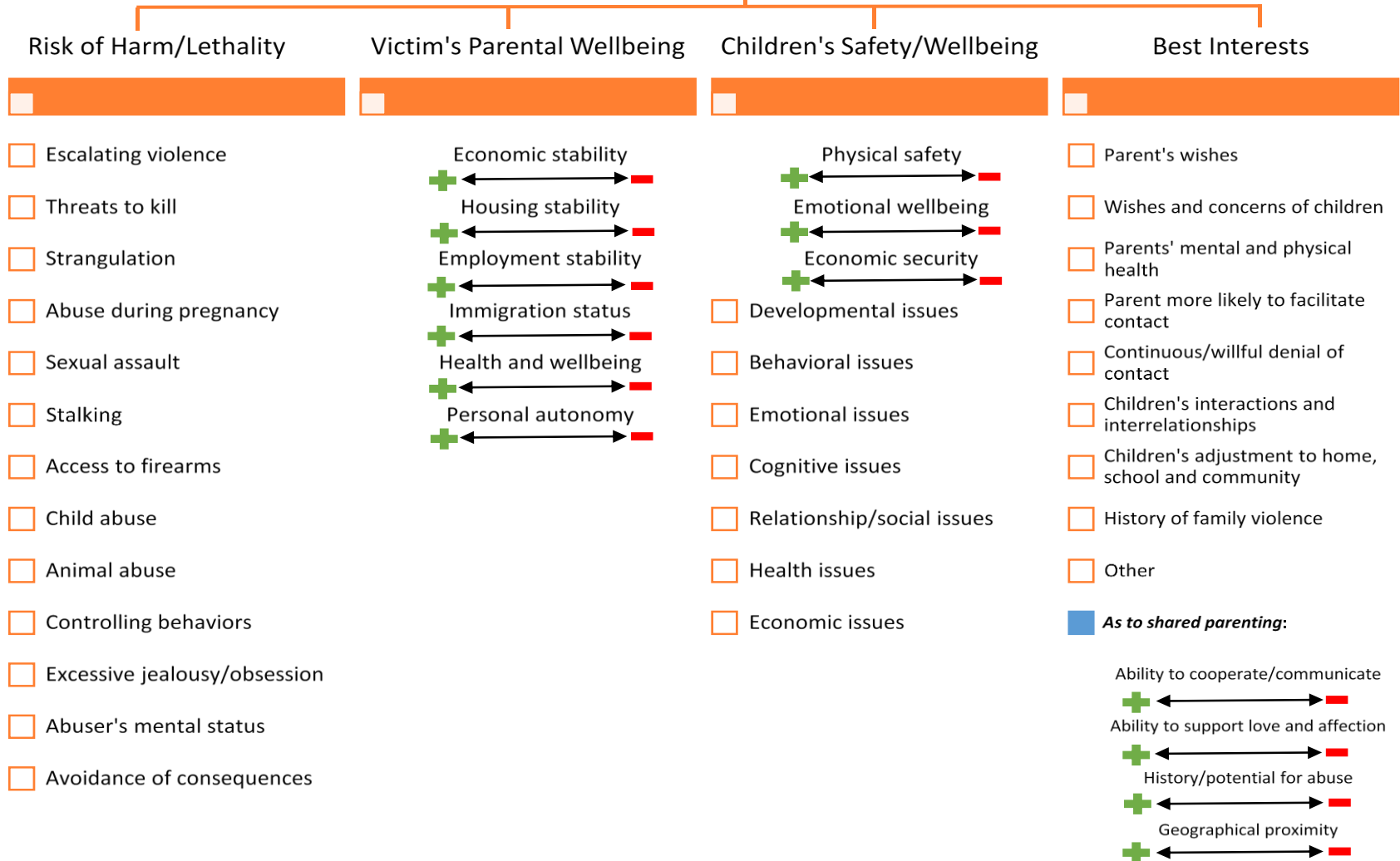
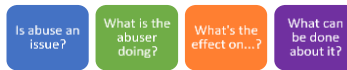


Understand the Nature & Context of Abuse



- Exposure during pregnancy
- Direct intervention in abuse
- Direct harm from abuse
- Participation in abuse
- Direct observation of abuse
- Active avoidance of abuse
- Observation of effects of abuse
- Exposure to aftermath of abuse
- Hear about abuse from others
- Seemingly unaware of abuse

# WHAT'S THE EFFECT OF THE ABUSE ON...?





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# Research

- Even when IPV is detected, cases often proceed without accommodations for safety or power differentials.
- Kernic, Monary-Ernsdorff, Koepsell, & Holt, 2005; Bow, 2006



# Priorities

Johnston, 2006; Jaffe, Johnston, Crooks & Bala, 2008; Ver Steegh & Dalton, 2008

- Protect children
- Support the safety and wellbeing of the victim parent
- Respect the right of adult victims to direct their own lives
- Hold perpetrators accountable for their abuse
- Promote the least restrictive parenting arrangement

# WORKSHEET ON ACCOUNTING FOR ABUSE – PARENTING PLAN DEVELOPMENT

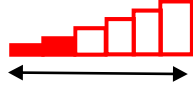





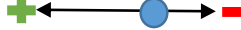



Is abuse an issue?  
 What is the abuser doing?  
 What's the effect on...?  
 What can be done about it?

## Nature/Context of Abuse

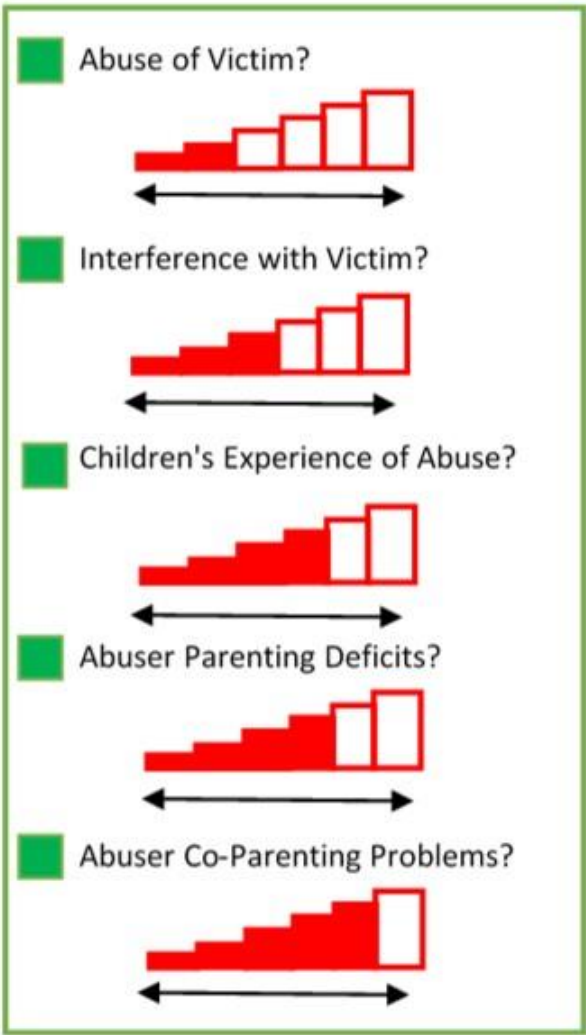
## Implications of Abuse

## Parenting Plan Options

## Parenting Plan Interventions

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><input type="checkbox"/> Abuse of Victim?</p>  <p>↔</p> <p><input type="checkbox"/> Interference with Victim?</p>  <p>↔</p> <p><input type="checkbox"/> Children's Experience of Abuse?</p>  <p>↔</p> <p><input type="checkbox"/> Abuser Parenting Deficits?</p>  <p>↔</p> <p><input type="checkbox"/> Abuser Co-Parenting Problems?</p>  <p>↔</p>	<p><input type="checkbox"/> Risk of Harm/Lethality?</p>  <p>↔</p> <p>Victim's Parental Wellbeing</p> <p><input type="checkbox"/> </p> <p>Children's Safety/Wellbeing</p> <p><input type="checkbox"/> </p> <p>Best Interests</p> <p><input type="checkbox"/> </p> <p>Shared Parenting</p> <p><input type="checkbox"/> </p>	<p><input type="checkbox"/> Limit/prohibit access to victim</p> <p><input type="checkbox"/> Limit/monitor access to children</p> <p><input type="checkbox"/> Limit abuser's decisionmaking</p> <p><input type="checkbox"/> Suspend abuser's decisionmaking</p> <p><input type="checkbox"/> Set automatic bill-paying processes</p> <p><input type="checkbox"/> Establish other self-executing terms</p> <p><input type="checkbox"/> Support victim's efforts to protect</p> <p><input type="checkbox"/> Stngthen children's support system</p> <p><input type="checkbox"/> Monitor abuser's compliance</p> <p><input type="checkbox"/> Set benchmarks for modification</p> <p><input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Supervised visitaton center</p> <p><input type="checkbox"/> Supervised exchange services</p> <p><input type="checkbox"/> Monitored visitation/exchange</p> <p><input type="checkbox"/> Parenting after violence program</p> <p><input type="checkbox"/> Batterer intervention program</p> <p><input type="checkbox"/> Parenting mentorship for abuser</p> <p><input type="checkbox"/> Advocacy services for victim</p> <p><input type="checkbox"/> Child advocacy services</p> <p><input type="checkbox"/> Financial oversight services</p> <p><input type="checkbox"/> Review hearings</p> <p><input type="checkbox"/> Other community-based resources</p> <p><input type="checkbox"/> Other _____</p>

# Nature/Context of Abuse



## ABUSE – PARENTING PLAN DEVELOPMENT

What is the abuser doing?

What's the effect on...?

What can be done about it?

### Parenting Plan Options

### Parenting Plan Interventions

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Limit/prohibit access to victim	<input type="checkbox"/> Supervised visitation center
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# Implications of Abuse

WOL

DEVELOPMENT

Nature/Context of Abuse



Abuse of Victim?

Interference with Victim?

Children's Experience of Abuse?

Abuser Parenting Deficits?

Abuser Co-Parenting Problems?



Risk of Harm/Lethality?

Victim's Parental Wellbeing

Children's Safety/Wellbeing

Best Interests

Shared Parenting

Options

Parenting Plan Interventions



- Supervised visitation center
- Supervised exchange services
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WORKSHEET ON

What's the effect on...?  
What can be done about it?

Parenting Plan Options

Parenting Plan Interventions

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Interference with Victim?

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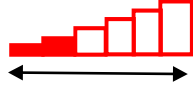





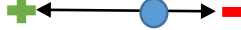



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A white picket fence runs diagonally across the image, separating a grassy area on the left from a paved area on the right. The fence is made of white wooden pickets. The background is a bright, sunny day with shadows cast on the grass and pavement.

**For listing of  
licensed DV  
programs:**

<http://wvcadv.org/partners/>

## **Domestic Violence Programs**

- Temporary shelters/transitional housing
- Outreach Offices
- Legal advocacy
- Support groups, counseling and education
- Hotlines
- Housing assistance
- **Children's services**
- Advocacy/case management
- Education groups for perpetrators

# DV Advocates Provide Options



- Individualized safety planning
- Education about and accompaniment to court hearings
- Referrals for community resources
- Empower victims by helping them make informed choices



# Batterer Accountability



## Can the perpetrator change?

- Has the violence stopped?
- Steps towards non-violence
- Methods to respond to conflict
- Maintain appropriate & respectful parenting
- Acknowledged impact of violence
- Co-parenting without violence & intimidation

**Resource: National Council of Juvenile & Family Court Judges (NCJFCJ): Checklist to Promote Perpetrator Accountability in Dependency Cases Involving Domestic Violence**

# Batterer Accountability



Has the perpetrator demonstrated:

- Compliance with court orders
- Improvement in behavior
- Acknowledge history & effect of his abuse
- Intentionality of abuse
- Empathy for family
- Identify destructive impact for actions
- Identify pattern of control
- Replace abuse with respectful behavior
- Accept consequences

# Case Planning



## With People Who Batter

- Engage in Case Planning Even When Children are Out of Home
- Treatments NOT recommended in DV:
  - Anger management
  - Mediation
  - Parenting that does not address control issues
  - Marriage counseling



# Case Planning



## With People Who Batter

- Recommended treatment:
  - BIPP – licensed (WV Family Protection Services Board - Nikki Erwin ([nikki.fpsb@gmail.com](mailto:nikki.fpsb@gmail.com) )
  - Parenting that addresses coercive control
  - Substance abuse coordinated with BIPPs & DV component
  - Other services as needed – inform & assess for safety risks to family

# Case Planning



## Review Checklist:

### Service Plans:

- Are the service plans generally appropriate?
- Does the **perpetrator's plan** consider & include elements from list?

### Treatment:

- Unacceptable substitutes for BIP
- Elements of BIP
- Assessments involving substance abuse & mental health



Questions?

# Thank You



- For more information contact:  
WV Coalition Against Domestic Violence  
5004 Elk River Road, South  
Elkview, WV 25071  
(304) 965-3552  
[joyce@wvcadv.org](mailto:joyce@wvcadv.org)
- <http://www.bwjp.org/our-work/projects/national-child-custody-project.html>
- [Practice Guides for Family Court Decision-Making in Domestic Abuse-Related Child Custody Matters](#)

